



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EMR/MEF/PP
F. #2023R00737

*610 Federal Plaza
Central Islip, New York 11722*

December 5, 2024

By ECF

The Honorable Nusrat J. Choudhury
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Michael S. Jeffries et al.
Criminal Docket No. 24-423 (NJC)

Dear Judge Choudhury:

We write on behalf of the government in the above captioned matter, and with the consent of counsel for all defendants, to respectfully provide a status update in advance of the December 10, 2024, status conference.

On October 17, 2024, a grand jury sitting in the Eastern District of New York returned the above-captioned indictment charging each of Michael S. Jeffries, Matthew C. Smith and James T. Jacobson with one count of sex trafficking, in violation of 18 U.S.C. § 1591, and 15 counts of interstate prostitution, in violation of 18 U.S.C. § 2422(a) (the "Indictment"). ECF Dkt. No. 1. On October 22, 2024, the defendants were arrested and made initial appearances in the relevant district of arrest. ECF Dkt. No.'s 10 (Jacobson), 12 (Smith) and 13 (Jeffries). Since that date, each of the three defendants have been arraigned on the Indictment. ECF Dkt. No.'s 16 (Jeffries) and 28 (Jacobson); and December 3, 2024 proceeding before Hon. Lee G. Dunst, U.S.M.J. (Smith).

On November 12, 2024, the government filed a consent motion for a protective order related to material the government anticipated producing pursuant to Federal Rule of Criminal Procedure 16, Title 18, United States Code, Section 3500 ("3500 Material") and the government's general obligation to produce exculpatory and impeachment material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny (together, the "Discovery Materials"). ECF Dkt. No. 33. On November 13, 2024, this Court granted the government's motion. ECF Dkt. No. 34.

On December 3, 2024, the government made its first discovery production in accordance with Rule 16 of the Federal Rules of Criminal Procedure (the "December 3 Production"). The December 3 Production is approximately 140 GB in size, and includes copies

of emails, search warrant returns, and various business records. Prior to the next status conference, the government anticipates producing supplemental discovery, which production will likely include a substantial amount of 3500 Material. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, and its progeny, and in accordance with the previously issued standing order pursuant to Federal Rule of Criminal Procedure 5(f).

Defense counsel has confirmed that they need additional time to review the materials in the December 3 Production, as well as the forthcoming supplemental production. Considering the foregoing, at the upcoming conference, the parties will jointly request that the Court schedule another status conference in approximately 90 days, and relatedly, respectfully request the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), in the interests of justice, until the date of the next status conference, in order to permit the continued production of and review of discovery. Defense counsel has conferred with their respective clients, who indicated that they also consent to the exclusion of time under the Speedy Trial Act.

Respectfully submitted,

BREON PEACE
United States Attorney

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